

**Notice of Allowability**

Application No.

10/030,983

Examiner

Desta L. Yebassa

Applicant(s)

ZUCCHETTI ET AL.

Art Unit

1615

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/23/2006.
2. ☒ The allowed claim(s) is/are 1,3,4,6,9-16,18,19,21,24-29,32 and 35-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**THURMAN K. PAGE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1600**

### **DETAILED ACTION**

Receipt is acknowledged of applicant's remarks and amendment filed on 01/ 23/2006.

1. This action is responsive to the Remark and amendment filed on 01/ 23/2006.
2. Claims 1, 3, 4, 6, 9-16, 18-19, 21, 24-29, 32, and 35-48 are allowed.

The following is an examiner's statement of reasons for allowance:

The claims appear to be free of the art because of the following reasons:

1. Applicants amended claims 1,16,and 28. Claim 1 to included the contents of claims 5, 7, and 8; claim 16, to included the contents of claims 20, 22, and 23; and claim 28 to included the contents of claims 31, 33, and 34 and cancelled claims 2, 5, 7, 8, 20, 22, 23, 31, 32, and 34. Thus the art neither anticipate the instant claims nor the claimed subject matter as whole would not have been obvious to one having an ordinary skill in the art.
2. The applicants notified that the application No. 10/030,977 is abandoned and thus a terminal disclaimer is not required. This places the application in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

### **Telephonic Inquiry**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Desta Yebassa whose telephone number is (571) 272-8511. The examiner can normally be reached Mon.-Friday 8:00 - 6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Thurman K. Page can be reached on (571) 272-0602. The fax phone Number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for Published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should You have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Desta L. Yebassa, PhD  
Patent Examiner  
Art Unit 1615

  
**THURMAN K. PAGE**  
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